
EXHIBIT 1

BEFORE THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
FOR THE CENTRAL VALLEY REGION

In the Matter of:

TENTATIVE CEASE AND DESIST
ORDER R5-2019-0XXX FOR VALLEY
WATER MANAGEMENT COMPANY'S
McKITTRICK 1 & 1-3 FACILITY,
KERN COUNTY

**DECLARATION OF JASON MEADORS IN
SUPPORT OF VALLEY WATER
MANAGEMENT COMPANY'S SUBMISSION**

I, Jason Meadors, do hereby declare as follows:

1. The following is based upon personal knowledge except for those matters for which I declare on information and belief. I have personal knowledge of the following facts and am competent to testify as to their truth if called as a witness.

2. I am the General Manager of Valley Water Management Company ("Valley Water") and have been in this position since September, 24, 2018. My business address is 7500 Meany Avenue, Bakersfield, California, 93308.

3. I am responsible for operations at Valley Water. My job duties include overseeing day to day operations, compliance and personnel. I have a Bachelor of Science degree in Civil Engineering from the University of California at Davis. I am also a registered Civil Engineer in the State of California.

4. Valley Water is a not-for-profit oilfield produced water storage and management

1 company, which serves many companies, including small and large, and in several instances
2 family-owned, independent oil companies in Kern County for almost 87 years. Valley Water is
3 the only local company available for this service.

4 5. Valley Water has several facilities located in Kern County's oilfields, many that
5 have been permitted for decades; some since the 1950s. Valley Water currently owns and
6 operates the McKittrick 1 and 1-3 facilities in Kern County (together referred to as "Facility").
7 The Facility is regulated and regularly inspected by the Regional Water Quality Control Board for
8 the Central Valley Region ("Central Valley Water Board"). For the most part, the inspections
9 over the decades have found no violations of the applicable permit for this Facility. However,
10 without Valley Water managing its facilities any differently or dropping out of compliance, the
11 Regional Board changed its inspection and enforcement practices in the late 2010s and began
12 issuing numerous orders to Valley Water notwithstanding the fact that Valley Water had been
13 voluntarily monitoring local groundwater and produced water since 2002 without a Monitoring
14 and Reporting Program ("MRP") or a Water Code section 13267 Order.

15 6. The McKittrick Facility sits on an approximately 593 acre property and activities
16 thereon are currently regulated by a Waste Discharge Requirements ("WDR") No. 69-199, a
17 permit which has not been updated for over 50 years, since February of 1969. Portions of this
18 facility have been in place since the late 1950s.

19 7. Based on the regulatory and inspection history, and its understanding of the
20 WDRs' requirements, Valley Water disagrees that its produced water management practices
21 violate the WDRs or have caused nuisance or pollution. Valley Water voluntarily began
22 monitoring groundwater around the McKittrick Facility in 2002, and has been reporting its data
23 regularly since then. Despite this voluntary monitoring and reporting, the Central Valley Water
24 Board has continued to pursue enforcement, including Water Code section 13267 Orders, a
25 Resolution related to adoption of a permit in 2018 (Resolution No. R5-2018-0015), and now a
26 proposed Cease and Desist Order ("CDO"), proposed Order No. R5-2019-0XXX.

27 8. Valley Water has compiled the information needed for a Report of Waste
28 Discharge ("ROWD") so its 1969 WDR may be updated. (See Exhibit 2.)

1 9. Instead of adopting a CDO that sets a time table for permit adoption, Valley Water
2 has also drafted a proposed WDR based on the text of the proposed CDO, the adopted General
3 Orders for oil fields, and other Central Valley discharge permits (such as the Dairy General
4 Order). (Exhibit 3.) Ample precedent exists for a similar permit that allows a compliance
5 schedule for more monitoring and planning processes, or for de- or re-designation activities.

6 10. Although the tentative CDO and accompanying Staff Report fault Valley Water
7 for not having installed monitoring wells by now, Valley Water was justifiably delayed due to
8 local “fully protected” endangered species habitat considerations and difficulties in obtaining
9 permission from neighboring landowners to drill or sample wells on their land. The Central
10 Valley Water Board staff has known about these issues for more than a year (Exhibit 22).

11 11. Without data from new monitoring wells, Valley Water is unable to fully conduct
12 and complete studies to determine the area’s background hydrogeology, and identify the
13 beneficial uses and background quality of ground water within and near the facility. Since the
14 new wells are set to be installed and sampled by the fall of 2019, deferral of the CDO is another
15 viable and preferable option. Valley Water has already demonstrated it need not be under an order
16 to voluntarily monitor and report.

17 12. The requirements contained in proposed CDO are unreasonable because they are
18 unnecessary. Prior to its receiving its first 13267 Order from the Regional Board on April 1,
19 2015, Valley Water had already begun voluntarily pursuing extensive investigations at the
20 Facilities in an effort to both hasten the analyses and to work cooperatively with the Central
21 Valley Water Board. The costs of these investigations and analysis thus far have exceeded
22 \$1,500,000. Preparation for this upcoming hearing will unnecessarily add at least another
23 \$200,000. All of this when there is no credible evidence of an imminent threat from this Facility
24 to ground waters actually being used for MUN or AGR purposes.

25 13. The current CDO schedule, particularly with the inclusion of a requirement to
26 comply or cease all discharge by July 1, 2020, less than 13 months after the CDO is proposed to
27 be adopted, is inadequate even if Valley Water started closing that facility today. A plan for
28 moving that water to another location would need to be completed along with the requisite

1 environmental documents. The CEQA analysis alone would take over a year, and that is if the
2 environmental documents are not challenged. Then the infrastructure and pipelines needed to
3 move the discharge would need to be constructed, which may also be adversely impacted by the
4 local endangered species habitat. Valley Water believes that the permitting option creates a win-
5 win solution that is more consistent with Regional Board and state policy not requiring
6 extraordinary treatment for salinity where other options exist.

7 14. The CDO is also contrary to all that the CV-SALTS process has done over the last
8 ten years. Although Valley Water has only been participating in CV-SALTS for a few years, that
9 participation has been active and engaged in the hopes of finding regional solutions to the salinity
10 problems faced by the Central Valley as opposed to continuing on the enforcement pathway. The
11 proposed CDO seems counter to both the spirit and intent of CV-SALTS and to the Regional
12 Board's recent Basin Plan amendments and Salinity Control Plan.

13 15. This declaration authenticates the following evidentiary exhibits included with
14 Valley Water's submission. The following are true and correct copies of the documents described
15 below:

16 **EXHIBIT 2** Valley Water Management Company's Report of Waste Discharge for the
McKittrick 1 and 1-3 Facility (signed April 2, 2019)

17 **EXHIBIT 3** Draft Waste Discharge Requirements for the McKittrick 1 and 1-3 Facility
18 (also provided in electronic form in Word)

19 **EXHIBIT 4** Expert Resume – Dr. Daniel Tormey

20 **EXHIBIT 5** Expert Resume – Dr. Ken Schmidt

21 **EXHIBIT 6** Expert Resume – Dr. Stuart Childs

22 **EXHIBIT 7** Expert Resume – Jim Waldron

23 **EXHIBIT 8** Inspection Report Timeline and copies of inspection reports from 1990-2014

24 **EXHIBIT 9** Notice of Public Hearing, Cease and Desist Order for Valley Water
Management Company's McKittrick 1 and 1-3 Facility, Kern County and
25 Tentative CDO (February 25, 2019)

26 **EXHIBIT 10** Valley Water Objection to Lack of Formal Hearing Procedures (March 1,
2019)

27 **EXHIBIT 11** Supplemental Notice of Public Hearing (March 18, 2019)

- 1 **EXHIBIT 12** Valley Water Objections to Hearing Procedures (March 19, 2019) and
2 Revised Notice of Public Hearing (March 22, 2019)
- 3 **EXHIBIT 13** Joint Stipulation to Stay Proceedings and Order, Case No. BCV-18-102201,
4 Kern County Superior Court (March 27, 2019)
- 5 **EXHIBIT 14** Westside Water Quality Coalition, Basin Plan Amendment Work Plan
6 (September 19, 2016)
- 7 **EXHIBIT 15** Copies of Figures, including those used in text of Valley Water's
8 Submission
- 9 **EXHIBIT 16** Petition for Review and Request for Abeyance appealing Central Valley
10 Water Board Order No. R5-2018-0808, McKittrick MRP (April 25, 2018)
- 11 **EXHIBIT 17** Central Valley Water Board Interaction Timeline and associated documents
12 (2017-2019)
- 13 **EXHIBIT 18** Central Valley Water Board letter to Tule Basin Water Quality Coalition
14 (January 8, 2019)
- 15 **EXHIBIT 19** Central Valley Water Board email of March 27, 2019 explaining naming of
16 Starrh irrigation wells; photos of Starrh farms
- 17 **EXHIBIT 20** Cost Appendix, Produced Water in the San Joaquin Valley, Technical
18 Report, Cost Appendix (November 2014)
- 19 **EXHIBIT 21** Final Report, Pilot Test of Treatment Technologies, Valley Water
20 Management Company (October 19, 2016)
- 21 **EXHIBIT 22** Transcription of Central Valley Water Board's April 5, 2018 meeting
22 regarding Valley Water's McKittrick Facility
- 23 **EXHIBIT 23** Central Valley Water Board's 2009 correspondence related to Valley
24 Water's Hydrogeologic Characterization Report from 2007; Hydrogeologic
25 Characterization Report (April 24, 2007); Hydrogeologic Characterization
26 Report (March 16, 2004)
- 27 **EXHIBIT 24** Valley Water's 13267 Response and attached Biological Survey documents
28 (October 3, 2018).

21 I declare under penalty of perjury pursuant to the laws of California that the foregoing is
22 true and correct.

23 Executed this 5th day of April, 2019 at Bakersfield, California.

24 
25 _____
26 Jason Meadors, Declarant
27
28